IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 1326 of 2005 (M/B)

Uttarakhand Co-operative Bank Ltd.,
Registered Office – 637 Laxman Jhula Road,
Rishikesh, District Dehradun,
Through its Chairman Sri Y.S. Panwar,
S/o Late Tika Ram. …… Petitioner

Versus

1. State of Uttaranchal,
through Secretary,
Cooperative, Govt. of Uttaranchal,
Dehradun.
2. Deputy Registrar,
Cooperative Societies, Uttaranchal
Camp Office 125 Nehru Colony,
Dehradun.
3. Smt. Reeta Puri W/o Sri Rakesh Kumar,
Clerk, Uttarakhand Cooperative Bank Ltd.,
Rishikesh
District Dehradun. …… Respondents

Mr. Pankaj Purohit, Advocate for the petitioner.
Mr. K.P. Upadhyay, Standing Counsel for the State of Uttaranchal.

JUDGMENT

Coram: Hon. Rajeev Gupta, C.J.
Hon. P.C. Verma, J.

RAJEEV GUPTA, C.J. (Oral)

1. The petitioner Uttarakhand Co-operative Bank has filed this writ petition for the following reliefs:

> "a. Issue a writ, order of direction in the nature of Certiorari to call for the record and to quash the order dated 18.11.2005 contained in Annexure No. 9 passed by the respondent No. 2;
>
> b. Issue a writ, order or direction in the nature of Mandamus commanding the respondent Nos. 1 and 2 not to interfere in the domestic inquiry conducted against the respondent No. 3;

2. Respondent No. 3 Smt. Reeta Puri is an employee of the petitioner Cooperative Bank against whom the Bank initiated

disciplinary proceedings on serious charges of financial irregularities and of acting against the interest of the Bank. It appears that during the pendency of those proceedings, the third respondent employee filed an application before the Deputy Registrar, Cooperative Societies, Uttaranchal purporting to be under Section 126 of the Uttaranchal Cooperative Societies Act, 2003. The Deputy Registrar, taking cognizance of the application, stayed the disciplinary proceedings against the third respondent vide its order dated 18.11.2005.

3. From the order-sheet dated 25.11.2005 and 17.12.2005, we gather that the petitioner Bank has appeared before the Deputy Registrar and raised objection in regard to the jurisdiction of the Deputy Registrar in the matter on the ground that Section 126 of the Act has no application to the present situation. The petitioner's case, further, is that Section 126 does not empower the Deputy Registrar to interfere in the matters relating to disciplinary proceedings by the Bank against its employee.

4. Though, *prima facie,* there appears to be sufficient force in the objection of the petitioner Bank in regard to the lack of jurisdiction of the Deputy Registrar in the matter, since the petitioner Bank has appeared before the Deputy Registrar and has raised this objection which is yet to be decided by the Deputy Registrar, we refrain from pronouncing our final opinion on the above subject leaving it open to the Deputy Registrar to pass a final order on the objections taken by the petitioner Bank within a period of two weeks from today. Non-compliance of the above direction would be viewed seriously.

5. With the above direction, the writ petition stands disposed of.

(P.C. Verma, J.) **(Rajeev Gupta, C.J.)**
13.02.2006 **13.02.2006**

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